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7 DISH NETWORK L.L.C., et al.,
8 Plaintiffs,
9 v.
10 BARTON GERSTEL,
11 Defendant.

Case No. 15-cv-04713-YGR (DMR)

**ORDER DENYING PLAINTIFFS'
UNILATERAL DISCOVERY LETTER
WITHOUT PREJUDICE;
DISCHARGING ORDER TO SHOW
CAUSE**

Re: Dkt. No. 28

12 On July 19, 2016, Plaintiffs DISH Network L.L.C., EchoStar Technologies L.L.C., and
13 NagraStar LLC (collectively "Plaintiffs") filed a unilateral discovery letter brief moving the court
14 to compel Defendant Barton Gerstel, currently proceeding *pro se*, to respond to Plaintiffs' First
15 Set of Interrogatories and First Set of Requests for Production, and to provide his initial
16 disclosures required under Federal Rule of Civil Procedure 26(a)(1)(C). Pls.' Unilateral Discovery
17 Letter [Docket No. 28].

18 On July 20, 2016, the court ordered Defendant to file a response to Plaintiffs' unilateral
19 discovery letter by July 29, 2016. July 20, 2016 Order to File Response [Docket No. 29]. The
20 court also referred Defendant to the court's resources for pro se litigants. *Id.* Defendant did not
21 file a response to the Plaintiffs' unilateral discovery letter.

22 On August 2, 2016, the court again ordered Defendant to file a response to Plaintiffs'
23 unilateral discovery letter, and ordered Defendant to explain why he should not be sanctioned for
24 his failure to respond to the court's July 20, 2016 Order. [Docket No. 30]. The court warned
25 Defendant that if he did not respond or otherwise oppose the motion, Plaintiffs' motion to compel
26 may be granted and Defendant may also be sanctioned for failing to comply with the court's order.
27 *Id.*

28 On August 9, 2016, Defendant filed a response to the court's order to show cause. Def.'s

United States District Court
Northern District of California

1 Response [Docket No. 31]. Defendant explained that he provided discovery responses to
2 Plaintiffs' attorney, Timothy Frank, before July 29, 2016 and did not understand that he was
3 supposed to respond to the court's order. *Id.* at ECF 6. Defendant also included his responses to
4 the Plaintiffs' Requests for Admission and Requests for Production of Documents. *Id.* at ECF 3-6.

5 Because it appears that Defendant is willing and able to respond to Plaintiffs' discovery
6 requests, and has in fact provided some discovery responses, the court denies Plaintiffs' unilateral
7 discovery letter and orders the parties to immediately meet and confer for a deadline for Defendant
8 to complete his responses to any outstanding discovery requests. Because it is unclear whether
9 Defendant has provided his initial disclosures under Federal Rule of Civil Procedure 26(a)(1)(C),
10 the parties are also ordered to meet and confer about a deadline for Defendant to produce his
11 initial disclosures.

12 Plaintiffs' unilateral discovery letter seeking to compel discovery responses is denied
13 without prejudice to Plaintiffs bringing a subsequent request to compel responses or for further
14 responses.

15 The parties are immediately ordered to meet and confer to set a deadline for Defendant to
16 respond to any outstanding discovery requests and for Defendant to make his initial disclosures.

17 The August 2, 2016 Order to Show Cause issued to Defendant is hereby discharged.

18 **IT IS SO ORDERED.**

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21 Dated: August 15, 2016

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23 Donna M. Ryu
24 United States Magistrate Judge

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